

20 JULY 2021 PLANNING COMMITTEE

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PLAN/2021/0188

WARD: Knaphill

LOCATION: Garages And Land Ro Sussex Court, High Street, Knaphill, Woking, Surrey, GU21 2QB

PROPOSAL: Erection of 2x 2 bedroom single storey dwellings with associated hard and soft landscaping following demolition of existing garage block.

APPLICANT: Mrs M A Nagle

OFFICER: Brooke Bougnague

REASON FOR REFERRAL TO COMMITTEE

The application has been called to the Planning Committee at the request of Councillor Hussain in order to assess whether the inspectors reasoning has been fully addressed.

SUMMARY OF PROPOSED DEVELOPMENT

Erection of 2x 2 bedroom single storey dwellings with associated hard and soft landscaping following demolition of existing garage block.

Site Area:	0.1ha (1000sq.m)
Existing units:	0
Proposed units:	2
Existing density:	0dph (dwellings per hectare)
Proposed density:	20dph

PLANNING STATUS

- Urban Area
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

Grant planning permission subject to conditions and Section 106 Agreement.

SITE DESCRIPTION

The application site relates to an access road (Sussex Court) leading off High Street, an area of land and block of 12 terraced garages to the north of Sussex Court. Within Sussex Court there are two two storey buildings containing a total of six flats. The application site is surrounded by two storey detached, semi-detached and terrace dwellings.

The terrace of properties (67-75 High Street) to the south east of the application site and No.112 High Street to the south of the application site are locally listed.

PLANNING HISTORY

PLAN/2019/0768: Erection of 2x 2 bedroom single storey dwellings with associated hard and soft landscaping following demolition of existing garage block. Refused 18.12.2019
Refusals reasons:

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01. *The proposed development, by reason of its siting, scale, design and position would result in an unduly cramped and contrived overdevelopment of the site which fails to respect the prevailing pattern and character of development in the area, to the detriment of the character of the surrounding area. The proposal is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012) and the NPPF (2019).*
02. *The applicant has failed to demonstrate that the proposed development would not cause harm to protected species (including bats) or habitats. It has therefore not been demonstrated that the proposed development would not result in a net loss of biodiversity on site. The proposed development is therefore contrary to Policy CS7 of the Woking Core Strategy (2012) and the National Planning Policy Framework (2019).*
03. *In the absence of a Legal Agreement to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwelling would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects, contrary to the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations"), saved Policy NRM6 of the South East Plan 2009, Policy CS8 of the Woking Core Strategy (2012) and the Thames Basin Heaths Avoidance Strategy 2010-2015.*

Appeal dismissed (appeal ref: APP/A3655/W/20/3247688)

PLAN/2017/1398: Erection of 2 x two bedroom semi-detached bungalows and realignment of a small portion of private road. Refused 06.03.2018

Refusals reasons:

01. *The proposed development, by reason of the design and shape of the building and footprint and resulting layouts would result in an unduly cramped and contrived overdevelopment of the site which would fail to respect and make a positive contribution to the character of the area in which it would be situated. Furthermore the proposed development would fail to provide an area of private amenity space appropriate in size for the outdoor domestic and recreational needs of the proposed dwellings and therefore would fail to provide a good standard of amenity for existing and future residential occupiers contrary to the core principles of the National Planning Policy Framework (2012) (paragraph 17), Policy CS21 of the Woking Core Strategy (2012) and Supplementary Planning Documents 'Woking Design' (2015) and 'Outlook, Amenity, Privacy and Daylight (2008)'.*
02. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional dwelling would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015) and saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").*

Appeal dismissed (appeal ref: APP/A3655/W/18/3199162)

PLAN/2016/1452: Erection of a 2 bed bungalow and realignment of a small portion of private road. Refused 14.02.2017

Refusal reasons:

01. *The proposed development would introduce built form in an area of openness to the detriment of the locality's spatial context. It represents an inappropriate form of back land development; out of kilter with the existing grain of development, and harmful to the character of the area. The proposed development fails to respond appropriately to the area's existing layout and to ensure that adjacent buildings relate to each other*

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contrary to local planning policies. The proposal would not make a positive contribution to the character of the area. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy, Policy DM10 of DM Policies DPD (2016) and the core principles of the National Planning Policy Framework.

02. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, the Local Planning Authority is unable to determine that the additional dwelling would not have a significant impact upon the Thames Basin Heaths Special Protection Area, contrary to Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations"), saved Policy NRM6 of the South East Plan 2009, Policy CS8 of the Woking Core Strategy 2012 and the Thames Basin Heaths Avoidance Strategy 2010-2015.*

Allowed at appeal (appeal ref: APP/A3655/W/17/3172770)

PLAN/2016/0250: Proposed erection of 2x semi-detached bungalows to the rear of the existing development. Refused 22.04.2016

Refusal reasons:

01. *The proposed development would introduce built form in an area of openness to the detriment of the locality's spatial context. It represents an inappropriate form of back land development; out of kilter with the existing grain of development, and harmful to the character of the area. The proposed development fails to respond appropriately to the area's existing layout and to ensure that adjacent buildings relate to each other contrary to Planning Practice Guidance. The proposal would not make a positive contribution to the character of the area and is contrary to National Planning Policy Framework, National Planning Practice Guidance, policy CS21 of the Woking Core Strategy and policies DM10 and DM17 of the emerging Development Management Policies DPD.*
02. *The proposed amenity spaces for the proposed bungalows would be directly overlooked by occupiers of existing nearby residential properties. The proposal does not, therefore, provide an adequately private level of amenity for future occupiers, contrary to policy CS21 of the Core Strategy and the Council's Outlook, Amenity, Privacy and Daylight SPD.*
03. *The proposal, both in regard to buildings and screening trees, is considered to be an overbearing form of development that is considered to result in a significant loss of outlook and sunlight/daylight to existing nearby residential properties, contrary to policy CS21 of the Woking Core Strategy, the Woking Design SPD, and the Outlook, Amenity, Privacy and Daylight SPD.*
04. *The proposal would provide an over provision of car parking on site, contrary to policy CS18 of the Core Strategy and the Parking Standards SPD.*
05. *The proposal represents an unsustainable form of development given its inappropriate siting, the harm it would cause to the built environment and the sub-standard nature of the development. It would not have acceptable social, economic or environmental dimensions, contrary to the National Planning Policy Framework and policy CS25 of the Core Strategy.*
06. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards affordable housing, it cannot be determined that the proposed dwelling would make sufficient contribution towards affordable housing. The proposal is therefore contrary to Core Strategy (2012) policy CS12 and Supplementary Planning Document 'Affordable Housing Delivery (2014)'.*

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07. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the additional dwellings would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Core Strategy (2012) policy CS8, the Thames Basin Heaths Avoidance Strategy (2010 - 2015) and saved Policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2010 (SI No. 490 - the "Habitats Regulations").*

PLAN/2014/1293: Erection of a two storey block of flats (4No 2 bedroom units) to the rear of an existing development within Sussex Court. Refused 12.05.2015

Refusal reasons:

01. *The proposed development would introduce built form in an area of openness to the detriment of the locality's spatial context. It represents an inappropriate form of back land development; out of kilter with the existing grain of development, harmful to the character of the area. The proposed development fails to respond appropriately to the area's existing layout and to ensure that adjacent buildings relate to each other contrary to Planning Practice Guidance. The proposal would not make a positive contribution to the character of the area and is contrary to National Planning Policy Framework, National Planning Practice Guidance and Policy CS21 of the Woking Core Strategy.*
02. *The proposed block of flats would be crammed into the existing greenfield amenity land with little space around the building resulting in the majority of the site being covered with buildings or hard surfacing which is not characteristic of the locality. It would result in an overdevelopment of the site with substandard amenity space provision and an inappropriate setting. This is contrary to Policy CS21 of the Council's Core Strategy.*
03. *The proposal fails to provide amenity space of a sufficient size, shape and quality. Furthermore the proposed amenity space for the future occupiers of flats 1,3 and 4 would be directly overlooked by occupiers of existing dwellings. The proposal does not provide an adequate level of amenity for future occupiers contrary to Policy CS21 and the Council's SPD Outlook, Amenity, Privacy and Daylight.*
04. *The proposal given its siting and overall scale, bulk and mass represents an overbearing, visually intrusive and oppressive form of development. It would result in a significant degree of enclosure to the occupiers of the existing flats and an unacceptable loss of light as well. The development would cause significant harm to the residential amenities of the occupiers of the existing flats within the application site and is contrary to Policy CS21 of the Woking Core Strategy.*
05. *The proposed development would result in a serious loss of privacy, exacerbated by the fact that future occupiers would be living at first floor level with less than 12m separating the proposed flats from no.75's conservatory and an even smaller separation distance separating the private garden (9m). Furthermore it is also considered that the block of flats represents a visually intrusive form of development to the occupiers of no.75 High Street causing a further loss of amenity to the occupiers of this dwelling house. The proposal conflicts with the requirements of Policy CS21 of the Woking Core Strategy and the Council's SPD Outlook, Amenity, Privacy and Daylight.*
06. *The proposed development would be highly visible from the windows in the rear elevation of 79 High Street representing a visually intrusive form of development and a loss of outlook. The proposal would result in harm to the residential amenities of the occupiers of this dwelling house contrary to Policy CS21 of the Woking Core Strategy.*

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07. *The proposal represents an unsustainable form of development given its inappropriate siting; the harm it would cause to the built environment and the sub-standard nature of the development. It would not have acceptable social, economic or environmental dimensions contrary to the National Planning Policy Framework and Policy CS25 of the Core Strategy.*

08. *The proposal fails to mitigate against its adverse impact on the Thames Basin Heaths Special Protection Area contrary to Policies CS1 and CS8 of the Council's Core Strategy.*

83/1167: Provision of 14 lock-up garages. Refused 01.01.1984

0025957: Erection of a block of 2 flats and 4 garages. Refused 08.06.1970

0021762: Erection of 2 self contained flats in one block. Refused 09.05.1967

0022134: Erection of a block of four flats. Refused 08.08.1967

0013853: Demolition of existing building and erection of 6 flats and 6 garages and provision of access. Permitted 25.01.1961

0014352: Demolition of existing buildings and erection of 6 flats and 13 garages (pursuant to wok/13853). Permission granted 13.07.1961

0011069: Erection of two detached dwellings. Refused 29.07.1958

CONSULTATIONS

SCC Highways: No objection subject to conditions

Arboricultural Officer: No objection subject to condition

Surrey Wildlife Trust: No objection subject to conditions

REPRESENTATIONS

3 letters raising the following points:

- Increase in noise
- Increase in density of population
- Increase in traffic
- Increased parking pressure on Sussex Court and Sussex Road
- Overlooking
- Permitted development should be removed to stop these bungalows turning into two storey buildings
- Concern over asbestos in the garages
- Concern over the demolition of the garages causing damage to gardens and how security will be maintained to adjacent properties.
- Loss of wildlife
- Concern over foul sewage

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2019)

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Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places

Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough
CS8 - Thames Basin Heaths Special Protection Areas
CS9 - Flooding and water management
CS10 - Housing provision and distribution
CS11 - Housing mix
CS12 - Affordable housing
CS18 - Transport and accessibility
CS21 - Design
CS22 - Sustainable construction
CS24 - Woking's landscape and townscape
CS25 - Presumption in favour of sustainable development

Development Management Policies DPD (DM Policies DPD) (2016)

DM2 - Trees and Landscaping

Supplementary Planning Documents (SPD's)

Design (2015)
Parking Standards (2018)
Outlook, Amenity, Privacy and Daylight (2008)
Climate Change (2013)
Affordable Housing Delivery (2014)

Other Material Considerations

Planning Practice Guidance (PPG)
South East Plan (2009) (Saved policy) NRM6 - Thames Basin Heaths Special Protection Area
Thames Basin Heaths Special Protection Area Avoidance Strategy
Woking Borough Council Strategic Flood Risk Assessment (November 2015)
Community Infrastructure Levy (CIL) Charging Schedule (2015)
Waste and recycling provisions for new residential developments
Technical Housing Standards - Nationally Described Space Standard (March 2015)

PLANNING ISSUES

Principle of Development:

1. There is extensive history for the application site. Planning applications PLAN/2016/1452, PLAN/2016/0250 and PLAN/2014/1293 were refused for the following reason:
2. *'The proposed development would introduce built form in an area of openness to the detriment of the locality's spatial context. It represents an inappropriate form of back land development; out of kilter with the existing grain of development, harmful to the character of the area. The proposed development fails to respond appropriately to the area's existing layout and to ensure that adjacent buildings relate to each other contrary to Planning Practice Guidance.'*
3. However, the Planning Inspector's decision for planning application PLAN/2016/1452 (ref: APP/A3655/W/17/3172770) states *'Sussex Court....departs from the surrounding pattern of development where plots are occupied by a single line of development. Together with the garage buildings at the back of the plot, the character of that part of the appeal site*

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directly behind Sussex Court is distinctly different from the neighbouring plots, characterised by long back gardens. Whilst the space is green and undeveloped, it appears unused and to have little direct connection with surrounding land.'

4. The Planning Inspector considered *'as such, the development of this part of the site for a detached bungalow would not disrupt the spatial character of development at Sussex Court. I appreciate that the proposal would introduce a third line of development from the street, however, given the existing building forms and their disposition on the site, it would not undermine the clear patterns of development on either side of the site from which the development at Sussex Court is already quite different... I therefore conclude that the proposal would not harm the character of the area, and there would be no conflict with policies CS21 of the Core Strategy 2012 and policy DM10 of the Development Management Policies 2016'*
5. Due to the Planning Inspector's appeal decision (ref: APP/A3655/W/17/3172770) it is considered that the principle of using the application site for residential development has been considered acceptable subject to further material planning considerations, specific development plan policies and national planning policy and guidance as discussed

Impact on Character

6. The NPPF (2019) states *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'* and that good design is a key aspect of sustainable development.
7. Policy CS21 of the Woking Core Strategy (2012) requires development proposals to *'respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land'*.
8. The current proposed planning application is the same as planning application PLAN/2019/0768 which refused on 18.12.2019 for the following reason:
01. The proposed development, by reason of its siting, scale, design and position would result in an unduly cramped and contrived overdevelopment of the site which fails to respect the prevailing pattern and character of development in the area, to the detriment of the character of the surrounding area. The proposal is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012) and the NPPF (2019).
9. Planning application PLAN/2019/0768 was dismissed at appeal (ref: APP/A3655/W/20/3247688). However, the contents of this appeal decision where the Inspector considered the proposed development would respect the character and appearance of the area is considered a very strong material consideration in the determination of the current application.
10. The Planning Inspector's decision for planning application PLAN/2019/0768 (ref: APP/A3655/W/20/3247688) states *'The proposed bungalows would be set-in from the site boundaries and their footprints would be proportionate to the size of the plots. There would be sufficient space around the bungalows to provide soft landscaping, which would integrate the development with the surrounding environment. Taken together with the modest height and scale of the proposed bungalows, the proposal would not appear cramped and it would respect the spacious character of the area. Furthermore, given that the appeal site and the buildings at Sussex Court already differ from the pattern of development in the area, the backland nature of the proposed layout would be acceptable. The replacement of the garage block and hard-surfacing with well-designed modest scale bungalows and a good amount of soft landscaping would provide a visual enhancement to the appeal site'*.

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11. The Planning Inspector concludes *‘that the proposed development would respect the character and appearance of the area. The proposal would therefore accord with Policies CS21 and CS24 of the Woking Core Strategy 2012, which, amongst other things, require development to respect and make a positive contribution to the character of the area having regard to the characteristics of adjoining land and buildings. It would also accord with Chapter 12 of the National Planning Policy Framework, which seeks to ensure that developments are sympathetic to local character’.*
12. The proposed dwellings would be single storey with a traditional design and low pitched roof, no accommodation is proposed within the roofspace. Details of external materials can be secured by condition. The proposed bungalows would have a maximum ridge height of approximately 4m. The roof form of the proposed dwelling has been designed to reduce the overall bulk and scale of the dwelling in the streetscene and reduce the impact on neighbouring properties. A condition is also recommended to secure details of a landscaping plan to ensure that sufficient landscaping is provided within the site.
13. It is considered that the proposed dwellings and plot size would not detract from the character and appearance of the area and accord with Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).

Impact on Neighbours:

14. Policy CS21 of the Woking Core Strategy (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook.
15. The current proposed planning application is the same as planning application PLAN/2019/0768 which did not raise any objections on neighbouring impact. The Planning Inspector's decision for planning application PLAN/2019/0768 did not comment on neighbour impact.
16. Unit 2 would be sited to the south of the application site and would be sited approximately 3.4m from the south boundary and approximately 7.5m from the north elevation of No.5 and No.6 Sussex Court. These separation distances comply with the recommended minimum distances set out in the Council's 'Outlook Amenity, Privacy and Daylight' SPD (2008) for one storey development (1m for side to boundary relationships). It is considered there would not be a significant loss daylight or overbearing impact to No.5 and No.6 Sussex Court. No windows are proposed in the south side elevation, there would be no loss of privacy or overlooking to No.5 and No.6 Sussex Court. The proposed bungalow would be sited further away from the south boundary than the bungalow permitted under appeal (ref: APP/A3655/W/17/3172770).
17. An approximate 4.6m separation would be retained between Unit 2 and the east boundary with No.75 High Street. The proposed bungalow would be sited to the rear of No.75 High Street. All windows would be sited at ground floor level. It is considered there would not be a detrimental loss of daylight, loss of privacy or overlooking to No.75 High Street.
18. Unit 2 would be sited approximately 25m from the rear of No.79 High Street; due to the separation distance it is considered there would not be an unacceptable impact on the amenities of No.79 High Street.
19. There would be an approximate 14m separation distance to the north boundary with the rear gardens of No.10, 12 and 14 Lane End Drive. Due to the separation distance it is

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considered there would not be an unacceptable impact on the amenities of No.10, 12 and 14 Lane End Drive.

20. Unit 1 would be sited to the north of the application site and would be sited approximately 4.8m from the boundary with No.83 High Street and approximately 13.5m from the boundary with No.79 High Street. The proposed bungalow would be sited to the rear of both No.79 and No.83 High Street. All windows would be sited at ground floor level. It is considered there would not be a detrimental loss of daylight, loss of privacy or overlooking to No.79 or No.83 High Street.
21. An approximate 14m separation would be retained between Unit 1 and No.5 and No.6 Sussex Court. Due to the separation distance it is considered there would not be an unacceptable impact on the amenities of No.5 and No.6 Sussex Court.
22. No.75 High Street is sited to the east of Unit 1, an approximate 15.8m would be retained to the east boundary. The proposed bungalow would be sited to the rear of No.75 High Street. It is considered there would not be a detrimental loss of daylight, loss of privacy or overlooking to No.75 High Street
23. No.10, 12 and 14 Lane End Drive are sited to the north of the application site. Over 30m would be retained between Unit 1 and the rear elevations of No.10, 12 and 14 Lane End Drive. Due to the separation distance it is considered there would not be an unacceptable impact on the amenities of No.10, 12 and 14 Lane End Drive.
24. Overall the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts and accords with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the policies in the NPPF (2019).

Standard of Accommodation

25. The proposal would deliver 2x 2 bed bungalows with a floor area which is consistent with the recommended minimum standards set out in the National Technical Housing Standards (2015). The proposed bungalows are considered of an acceptable size with acceptable quality outlook provided to habitable rooms.
26. Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) sets out recommended minimum garden amenity areas for family dwellinghouses with two bedrooms or more and over 65 sq.m. gross floorspace (but below 150 sq.m. gross floorspace), as in this instance, as a suitable area of garden amenity in scale with the building but always greater than the building footprint. Unit 1 would have a rear private amenity space of approximately 256m² and Unit 2 would have a rear private amenity space of approximately 180m², both bungalows would have a footprint of 87sqm. It is considered that Unit 1 and Unit 2 would have a rear amenity space of an acceptable size and quality.
27. Overall the proposal is therefore considered capable of achieving an acceptable standard of accommodation for future residents in accordance with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the policies in the NPPF (2018).

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28. Unit 1 and Unit 2 would have capacity within the curtilage to store the required number of general waste and recycling bins. A collection point is proposed adjacent to the bin store serving the flats in Sussex Court.

Transportation Impacts:

29. Unit 1 and Unit 2 would have vehicular access from Sussex Court which would split within the application site to serve the two proposed bungalows.
30. The NPPF (2019) promotes sustainable transport. Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
31. Supplementary Planning Document 'Parking Standards' (2018) states a minimum parking standard of 1 on-site parking space to be provided for a two bedroom house or bungalow. To comply with minimum parking standards the proposal would be required to provide a minimum of 2 on-site parking spaces. Two parking spaces would be provided within the application site. The proposal would comply with on-site parking standards within Supplementary Planning Document 'Parking Standards' (2018).
32. Supplementary Planning Document 'Parking Standards' (2018) requires the provision of 2 cycle spaces per residential dwelling. Each proposed bungalow would have a bike store for 2 bikes. The proposal would comply with on cycle parking standards within Supplementary Planning Document 'Parking Standards' (2018).
33. A condition is recommended to secure 1 passive charging point at Unit 1 and Unit 2 in accordance with Supplementary Planning Document 'Climate Change' (2013).
34. The County Highway Authority have been consulted and raised no objection on safety, capacity and policy grounds.
35. It is noted that concerns have been raised over increased traffic and on street parking pressure.
36. The Planning Inspector's decision for planning application PLAN/2016/1452 (ref: APP/A3655/W/17/3172770) considered *'the number of additional vehicle movements resulting on the access drive is unlikely to disturb neighbours over the present access to the garage compound'*. The planning application is for 2 x 2 bedroom bungalows it is considered the addition of 1 x 2 bedroom bungalow over and above planning application PLAN/2016/1452 would not result in a significant increase in vehicular movements.
37. Overall therefore the proposal is considered to result in an acceptable impact upon highway safety and car parking provision and accords with Policy CS18 of the Woking Core Strategy (2012), Supplementary Planning Document 'Parking Standards' (2018) and the National Planning Policy Framework (2019).
38. The current proposed planning application is the same as planning application PLAN/2019/0768 which did not raise any objections on parking impact. The Planning Inspector's decision for planning application PLAN/2019/0768 did not comment on parking issues.

Impact on Trees and biodiversity

39. There are trees on adjacent land that could be affected during by the proposal. Policy DM2 of DM Policies DPD (2016) states the Council will *'require any trees which are to be retained to be adequately protected to avoid damage during construction'* and Policy CS21

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of the Woking Core Strategy (2012) requires new development to include the retention of trees and landscape features of amenity value. A condition is recommended to secure arboricultural information detailing how trees would be protected during construction. Subject to a condition to ensure compliance with the submitted information, the proposal is considered to have an acceptable impact on trees adjacent to the application site.

40. PLAN/2019/0768 which refused on 18.12.2019 for the following reason:

02. The applicant has failed to demonstrate that the proposed development would not cause harm to protected species (including bats) or habitats. It has therefore not been demonstrated that the proposed development would not result in a net loss of biodiversity on site. The proposed development is therefore contrary to Policy CS7 of the Woking Core Strategy (2012) and the National Planning Policy Framework (2019).

41. During the appeal process a Preliminary Ecological Appraisal and Preliminary Inspection for Bats dated 12.02.2021 was submitted. Surrey Wildlife Trust advised that bats did not appear to present a constraint to the proposed development. Surrey Wildlife Trust did recommend that the applicant should ensure that the proposed development will result in no net increase in external artificial lighting and the development should incorporate the recommendations in Preliminary Ecological Appraisal and Preliminary Inspection for Bats dated 12.02.2021. Due to Surrey Wildlife Trust raising no objection to the proposal the LPA did not contest refusal reason 02 noted above at appeal. Therefore the Planning Inspector's decision did not consider the impact on Wildlife.

42. The current planning application has been supported by a Preliminary Ecological Appraisal and Preliminary Inspection for Bats dated 12.02.2021. As the report was over 12 months old an Ecological Walkover Report dated 11.06.2021 has been submitted. Surrey Wildlife Trust have been consulted on both documents and advised that roosting bats do not appear to present a constraint to the proposed development and external artificial lighting should be designed sensitively. Surrey wildlife recommend that the proposed development should incorporate recommendations in the report. A condition is recommended to ensure that the development incorporates the recommendations in the Preliminary Ecological Appraisal and Preliminary Inspection for Bats dated 12.02.2021.

43. It is considered that the submission of the ecological information has overcome refusal reason 02 of planning application PLAN/2019/0768.

44. A condition is recommended to secure details of a landscaping plan to ensure that sufficient landscaping is provided within the site. A further condition is recommended to secure details of boundary treatment to ensure that the proposed development does not adversely affect the amenities of occupiers of the adjoining and nearby properties and ensure there is adequate screening to preserve the character of the area.

Energy and water consumption

45. Following a Ministerial Written Statement to Parliament on 25 March 2015, the Code for Sustainable Homes (aside from the management of legacy cases) has now been withdrawn. For the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans that require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. The Government has stated that the energy performance requirements in Building Regulations will be set at a level equivalent to the outgoing Code for Sustainable Homes Level 4.

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46. Until the amendment is commenced, Local Planning Authorities are expected to take this statement of the Government's intention into account in applying existing policies and setting planning conditions. The Council has therefore amended its approach and an alternative condition will now be applied to all new residential permissions which seeks the equivalent water and energy improvements of the former Code Level 4.

Thames Basin Heaths Special Protection Area (TBH SPA)

47. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "Habitat Regulations 2017")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
48. Policy CS8 of Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The applicant has agreed to make a SAMM contribution of £1,496.00 in line with the Thames Basin Heaths SPA Avoidance Strategy. This would need to be secured through a S106 Legal Agreement. For the avoidance of doubt, sufficient SANG at Heather Farm has been identified to mitigate the impacts of the development proposal
49. Subject to securing the provision of the SAMM tariff and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural England), the Local Planning Authority is able to determine that the development will not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. The development therefore accords with Policy CS8 of Woking Core Strategy (2012), the measures set out in the Thames Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.
50. The Planning Inspector's decision for planning application PLAN/2019/0768 (ref: APP/A3655/W/20/3247688) states *'in the absence of a legal agreement to directly link the proposal to specific SANG mitigation measures, I do not have sufficient certainty that the impact of the proposal on the SPA would be directly mitigated. In this regard, I am aware that the CIL Regulations 2010 (as amended) contain exemptions for some types of housing, including social and self-build, which could apply to the proposal. If these circumstances were to apply, the proposed development would not provide any CIL contributions and so there would be no contributions towards SANG. I note the Council's approach to setting its CIL charge, which assumes that all windfall development will not generate any CIL income. However, this approach would not directly mitigate the appeal scheme before me.'*
51. The applicant has submitted a legal agreement with the application that the Council's Legal Team considers is acceptable and secures the necessary Thames Basin Heaths SAMM

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contribution. The application is therefore in accordance with Core Strategy (2012) Policy CS8 and the 'Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015', saved Policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2017.

Affordable Housing

52. The NPPF (2019) establishes that affordable housing should not be sought for developments which are not 'major' developments. The NPPF definition of 'major' development is the same as that in the Development Management Procedure Order (2015) which is defined as 10x units or more. Affordable housing contributions are not therefore sought under this application.

Community Infrastructure Levy (CIL):

53. The proposal would be liable for Community Infrastructure Levy (CIL) to the sum of £1,767.86

CONCLUSION

Considering the points discussed above, the proposal is considered an acceptable form of development which would have an acceptable impact on the amenities of neighbours, on the character of the area and in transportation terms. The proposal therefore accords with Policies CS1, CS7, CS8, CS10, CS11, CS12, CS18, CS21, CS22, CS24 and CS25 of the Woking Core Strategy (2012), Policies DM1, DM2 and DM17 of the DM Policies DPD (2016), Supplementary Planning Documents 'Parking Standards' (2018), 'Outlook, Amenity, Privacy and Daylight' (2008), 'Woking Design' (2015) and the NPPF (2019) and is recommended for approval subject to conditions and subject to Section 106 Agreement.

BACKGROUND PAPERS

1. Site visit photographs
2. Consultation responses
3. Representations

PLANNING OBLIGATIONS

	Obligation	Reason for Agreeing Obligation
1.	SAMM (SPA) contribution of £1,496.00.	To accord with the Habitat Regulations, policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths SPA Avoidance Strategy 2010-2015.

RECOMMENDATION

It is recommended that planning permission be Granted subject to the following Conditions and S106 Agreement:

1. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

1920.OS.01 dated 04.06.2019 received by the Local Planning Authority on 17.02.2021

1920.EX.01 dated 03.01.2018 received by the Local Planning Authority on 17.02.2021

1920.EX.02 dated 04.06.2019 received by the Local Planning Authority on 17.02.2021

1920.PP.01 dated 04.06.2019 received by the Local Planning Authority on 17.02.2021

1920.PP.02 dated 04.06.2019 received by the Local Planning Authority on 17.02.2021

1920.PP.03 dated 05.06.2019 received by the Local Planning Authority on 17.02.2021

1920.PP.04 dated 06.06.2019 received by the Local Planning Authority on 17.02.2021

1920.PP.05 dated 06.06.2019 received by the Local Planning Authority on 17.02.2021

1920.PP.06 dated 06.06.2019 received by the Local Planning Authority on 17.02.2021

1920.PP.07 dated 06.06.2019 received by the Local Planning Authority on 17.02.2021

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the material details outlined on the approved plans, No above ground development associated with the development hereby permitted shall commence until details and/or samples and a written specification of the materials to be used in the external elevations, hard surfaced areas and boundary walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To protect the visual amenities of the area.

3. ++ Notwithstanding any details shown on the approved plans listed within condition 02, prior to the first occupation of the development hereby approved, a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted and details of materials for areas of hardstanding, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve and enhance the character and appearance of the locality.

4. No above ground development associated with the development hereby permitted shall commence until details of all screen and boundary walls, fences, hedges and any other

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means of enclosure (including private garden and sub-station enclosures) have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure will be implemented fully in accordance with the approved details prior to the occupation of any part of the development and thereafter maintained to the height and position as approved unless otherwise agreed in writing by the Local Planning Authority. Any hedges and planting which die or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced during the next planting season with specimens of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development does not adversely affect the amenities at present enjoyed by the occupiers of the adjoining and nearby properties and to preserve and enhance the character and appearance of the locality.

5. No development-related works shall be undertaken on site (including clearance and demolition) until tree protection details have been submitted to and approved in writing by the Local Planning Authority. These details shall adhere to the principles embodied in BS 5837 (2012) and shall include a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement. The details shall make provision for the convening of a pre-commencement meeting and Arboricultural supervision by a suitably qualified and experienced Arboricultural Consultant for works within the RPAs of retained trees. Full details shall be provided to indicate exactly how and when the retained trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure the retention and protection of trees on and adjacent to the site in the interests of the visual amenities of the locality and the appearance of the development. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

6. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1, Classes A, B and E of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any orders amending or re-enacting that Order with or without modification) no extension or enlargement of the new dwelling hereby approved shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development.

7. ++Prior to the commencement of the development hereby approved, written evidence shall be submitted to and approved in writing by the Local Planning Authority (LPA) demonstrating that the development will:
 - a. Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and,
 - b. Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design Stage water efficiency calculator.

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Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policy CS22 of the Woking Core Strategy 2012.

8. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has:
 - a. Achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - b. Achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of the notice given under Regulation 37 of the Building Regulations.

Development shall be carried out wholly in accordance with the agreed details and maintained as such in perpetuity unless otherwise agreed in writing by the LPA.

9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity

10. No above ground development associated with the development hereby permitted shall commence until details of no.2 of passive electric vehicle charging points to be provided have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details unless the Local Planning Authority subsequently agrees in writing to their replacement with more advanced technology serving the same objective.

Reason: in the interests of achieving a high standard of sustainability with regards to electric vehicle charging infrastructure requirements.

11. The development shall take place in accordance with the recommendations in section 7.3.2 and ecological enhancement measures in section 7.4 in the a Preliminary Ecological Appraisal and Preliminary Inspection for Bats dated 12.02.2021. Any deviation from the works prescribed or methods agreed in the reports will require prior written approval from the Local Planning Authority.

Reason: In the interests of the natural environmental and conservation of protected species.

Informatives

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1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework 2019.
2. You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The applicants attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.
4. The applicant is advised that, under the Control of Pollution Act 1974, site works which will be audible at the site boundaries are restricted to the following hours:-
08.00 – 18.00 Monday to Friday
08.00 – 13.00 Saturday
and not at all on Sundays and Bank/Public Holidays.
5. This decision notice should be read in conjunction with the related S106 Legal Agreement.
6. The applicant should be made aware of the requirement to apply for a Protected Species Licence from Natural England where development activities may disturb existing bats or damage their resting places.
7. The applicant should ensure that clearance and construction activities on site have regard to the potential presence of other protected and notable species. Any trenches or excavations left overnight should be covered or provided with ramps and open pipework capped overnight to prevent species from becoming trapped.
8. Any external lighting installed on this development should comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series".
9. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
10. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to the Council to claim the relief or exemption. In all cases (except exemptions relating to residential exemptions), **it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development.** The exemption will be lost if a

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commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from: http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf

Claims for relief must be made on the appropriate forms which are available on the Council's website at: <https://www.woking.gov.uk/planning/service/contributions>

Other conditions and requirements also apply and failure to comply with these will lead to claims for relief or exemption being rendered void. The Local Planning Authority has no discretion in these instances.

For full information on this please see the guidance and legislation here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).